

explained that the difficulty could be obviated by slight alterations in the location and jurisdiction of the existing courts.

As regards the request for establishing Munsiff-Magistrates' Courts in all taluk headquarters, the Member pointed out that the question of adopting the scheme generally in all places was gone into by the High Court as well as by the Laws Delays Committee some time ago but was finally dropped as not feasible and as likely to impede civil work. He added that Government would however deal with the matter in consultation with the High Court.

RESOLUTIONS—(concl'd.)

No. 26.—Srimathi D. SAKAMMA moved the following resolution:—

"This Assembly recommends to the Government of His Highness the Maharaja the desirability of introducing a measure for the removal of the disabilities of Hindu widows in the matter of re-marriage on the model of the one in force in British India."

In doing so, she regretted that though re-marriage of Hindu widows had been legalised in British India several decades ago, no such legislation was in force in the Model State of Mysore. The need for it would be easily recognised by all those who had any human sympathy. She added pathetically that if the hardship and privations to which a young Hindu widow was being subjected were described in detail, even stones would be moved. She described the lot of the widow who, as married woman during the life-time of the husband, was enjoying all happiness but who on the husband's death, had to face various hardships all at once, and regretted that such a state of affairs had not drawn the attention of the Mysore legislators. Immediately after the husband's death, the young widow would be allowed the privilege of staying in her parent's house for some time without much trouble. But after a time, she had to go and live in the deceased husband's house. More often than not, the mother-in-law ill-treated her, over-worked her and even resorted to beat-

ing her. There were several cases of girl-widows going astray, and in order to shield the consequential developments, they had to undergo medical treatment or resort to Mission hospitals at the time of confinement. Very often, in order to avoid indignities the woman got herself converted to Christianity with the new-born babe. The remedy for all these ills, in her opinion, lay in providing, by means of legislation, for the re-marriage of such of the widows as desired to avail themselves of it. She impressed on the House that her proposal did not aim at compelling every widow to re-marry and hoped that Government would take necessary action to enact the law in Mysore.

Mr. B. S. PUTTASWAMY, in seconding the resolution, laid stress on the fact that what was proposed in the resolution was only a permissible legislation and that no widow would be compelled to re-marry. In the absence of the proposed legislation, the widows who wanted to re-marry were confronted with the difficulty of the future lot of their issues, as they could not inherit ancestral property and other civil rights. If this disability was removed, he had no doubt that more and more of girl-widows would come forward to re-marry and end their miseries.

In order to meet the likely opposition from the orthodox school of thought, he cited authorities from ancient Hindu scriptures such as Parasara Smriti, Narada Smriti and Manu Smriti.

The SECOND MEMBER (Rajamantrapravina S. P. Rajagopalachari), interrupting the speaker, enquired whether it was necessary for him to go so far back as all that for supporting the proposal, since the interpretation of scriptures might lead to endless controversies.

Mr. PUTTASWAMY replied that his object was merely to show that the Shastras themselves had made provision for re-marriage of women in exceptional cases. He thought it necessary to reform the customs and manners of the people according to the spirit of the times as otherwise there could be no progress. As what was advocated was only a permissive measure, he

pleaded for unanimous support from the House.

Mr. Belur SRINIVASIENGAR congratulated Srimathi Sakamma for having brought the resolution and gave his support to it.

Mr. S. P. RAJAGOPALACHARI replying on behalf of Government, mentioned that Messrs. K. T. Bhashyam Aiyangar and T. Ramachandra, both members of the Legislative Council, had given notice of a bill to amend the Hindu Law as to the rights of inheritance of property and other civil rights by children born of widow marriages, on the lines of the amendment made in the British Indian Act, that Government considered that in a matter of social legislation like the one proposed, it was desirable to ascertain public opinion and had published it in the *Mysore Gazette* dated 10th October 1935, together with the statement of Objects and Reasons and that they would take necessary action in the matter in due course. He added that due weight would be given to the opinion of the Assembly as expressed in the course of these discussions, along with other opinions which might be received from the public.

The resolution was put to vote and carried by a large majority.

No. 9.—MR. B. SRINIVASA RAO moved the following resolution :—

“ This Assembly recommends to the Government of His Highness the Maharaja that the railway cess levied in about 1912, to liquidate the Kolar District Board Railway Loans and collected up till now, on the assessment payable by raiyats, be cancelled.”

In tracing the early history of the Kolar District Board Railways, he explained that it was in 1912 that a sum of Rs. 4,48,000 was borrowed for laying out the railways. In order to liquidate the debt, a temporary railway cess was imposed on the people and a sum of Rs. 12,67,000 had been recovered so far from the people for the purpose though the principal and the amount put together aggregated only to Rs. 7,94,000. Thus a sum of Rs. 5 lakhs had already been paid in excess. Still the Government went on collecting

the railway cess on the ground that some of the District Boards in the State had resolved upon utilising the collections for improving the communications.

As the present taxation was weighing very heavily on the raiyats of the Kolar District specially, he prayed that the railway cess be abolished forthwith in the Kolar District.

Mr. H. KRISHNAMURTHIA CHAR in seconding the resolution pointed out that there was no prospect of extending the existing railway in the Kolar District and as the recoveries made by way of railway cess had far exceeded the amount borrowed and as the levy was originally intended to be purely temporary, he prayed for the abolition of the cess very early.

Mr. RAME GOWDA in further supporting the resolution, represented that the incidence of land revenue in the Kolar District was very high and the further continuance of the railway cess would be unjust.

Mr. K. CHENGALARAYA REDDY made it plain that the Kolar District Board had been urging on the Government the desirability of abolishing the railway cess, for some years past. Now that the sinking fund had equalled the total amount of the debt, the purpose of the special levy was fulfilled and he said there was no justification for continuing it. But the railway being a capital work, the District Board had some responsibility to finance its maintenance. Since the Government had ordered recently that the income derived annually from the railways might be utilised by the District Board for other purposes, the District Board was obliged to find some other source to meet the cost of the maintenance, such as the receipts from the railway cess or some other item of revenue. As a sort of compromise, the District Board had proposed the levy of 6 pies as railway cess in place of the existing rate of one anna, but Government directed its reduction only by 3 pies and the levy of 9 pies.

In this connection, he reviewed the finances of the Kolar District Board and observed that if the Board should function properly and attend to works

of public utility according to its programme, its normal sources of revenue would be inadequate. The Conference of District Board Presidents had recommended that, in order to improve the finances of local bodies, the Government should give a statutory grant and a higher percentage of contribution from local cess collections and the speaker prayed the Government to consider the request sympathetically.

So far as the question of retention or abolition of the railway cess was concerned, he said it was clearly a matter in the hands of the Government and that the District Board was helpless.

In reply to the debate, the **SECOND MEMBER (Mr. S. P. Rajagopalachari)** explained that Government had recently examined all aspects of the question and issued an order in July last to the effect that since the Debenture Loan was repayable only in 1937 the levy of railway cess might be continued till then and in the meantime the surplus proceeds utilised for other general purposes of the District Board. Government were also of the opinion that it was a useful item of revenue and that it was not desirable for the District Board to deprive themselves of it. He added, however, that there was nothing to prevent the question being reconsidered after the loan was fully discharged.

In the light of this explanation the resolution was not pressed.

No. 16.—**Mr. H. B. GUNDAPPA** moved the following resolution :—

"In view of the fact that recent orders of Government dated 10th July 1935 on the abolition of the hereditary system of Shanbhogs are most disappointing and do not even touch the fringe of the problem, this Assembly recommends to the Government of His Highness the Maharaja that more drastic and effective steps be taken early to give effect to the principle accepted by Government on this very important question affecting the vast population of the State."

He represented that though the Government were pleased to issue orders, in accordance with their promise made at the Legislative Council Session of December 1934, about their intention to abolish the system of hereditary Shanbhogs, they had not taken action to

implement that intention. They simply stated that the Mysore Village Offices Regulation would be amended on the lines of the Bombay Watan Act, which, in the opinion of the mover, would not go far enough to remedy the defects complained against. Meanwhile, "by means of executive orders, Government had attempted to tighten up the existing rules, firstly about the Shanbhogs having to reside within their *firkas*, i.e., in the villages included in their charge; and secondly, restricting the cases of Shanbhogs getting their work done by proxies, or resigning the *hak* in favour of minors.

While such was the actual position, he said that rumours had been set afloat by interested parties to the effect that the system of hereditary Shanbhogs had been abolished; and several conferences also were held to protest against the Government Order of July 1935. He did not believe that the object of the movers of the resolution would be gained if Government contented themselves by merely enforcing the rules. The termination of hereditary *hak*, he said, could never be achieved if Government merely accepted it in principle and waited for its surrender on a voluntary basis, but that it called for some bold and drastic action from Government and unless such action was taken, he assured the Government that the grievances of the villagers would not be redressed nor the revenues of Government improve.

Mr. B. N. BORANNA GOWDA seconded the resolution. He said that the troubles caused by Shanbhogs to the villagers had already been brought to Government's notice on several occasions and that the people heaved a sigh of relief when Government promised to take action on the lines of the Bombay Watan Act. He had reason to believe that under the Bombay Act, the village administration had improved perceptibly and he therefore prayed that necessary action to amend the Regulation be taken without further delay.

Mr. R. DASAPPA opposed the resolution and mentioned that he was the author of Representation No. 28 on the

agenda, which pleaded for holding the recent order about the Shanbhogs in abeyance, and which, he regretted, he could not move having been absent unavoidably when that subject was called. He was of opinion that all the trouble was due to the fact, first, that Patels were mostly illiterate, while the Shanbhogs were all literate, and secondly, the *potgi* paid to both these classes of officers was altogether inadequate. If only the Patels were literate and able to do their duties properly, things would not have come to the existing pitch. In order to remedy the defect, he suggested the provision of adequate facilities to educate the Patel instead of spending money on compensations to Shanbhogs so as to deprive them of the hereditary *hak*.

Speaking on the merits of the Government Order, he asked whether Government could afford to pay compensation to so many Shanbhogs in the midst of the present financial stringency. Even if they did so and brought in new stipendiary Shanbhogs, he was afraid that confusion would arise in regard to collection of land revenue and other matters. He felt that Government should not go to the extent of aiming a big blow against a set of poor village officers. He added that he could not see the reasonableness of punishing only the erring Shanbhogs. He pointed out that when once the principle contained in the resolution was adopted, the Patels also were bound to be included in it. He therefore appealed to the Government that instead of abolishing the hereditary *hak*, the defects existing in the system should be rectified as thereby the tone of village administration would surely improve.

Mr. D. RANGASWAMI SETTY said that the speeches of the supporters of the resolution were aimed at showing that Shanbhogs alone were responsible for all the troubles of the villagers. But he was of opinion that the Patels were not above board. Shanbhogs and Patels were the two important arms of village administration; they were there from time immemorial; and it would be most unfair to say that the hereditary

hak of one class should be done away with. He was not prepared to admit that all Shanbhogs were bad; and even if some of them were bad, he hoped that they also would improve if their economic position was bettered by suitable increase of *potgi*. On the above grounds, he opposed the resolution.

Mr. Mummadi H. C. VEERABHADRAPPA, speaking in support of the resolution, remarked that a sort of a superiority complex was put on by Shanbhogs, when they were in the villages, simply because the majority of them belonged to one and the same community. There was also an autocratic spirit displayed by them in all matters. They were past-masters in creating parties and factions so as not to give the upper hand to the Patels. They alone should post up the accounts, write out documents for the raiyats and so on, in their *firkas*. Very often, they would put off furnishing the D. C. B. statements to the Patels on the pretext of being busy otherwise. Above all, illegal gratifications were a common feature with them. In most villages, the Shanbhogs were the Secretaries of Panchayats and it had become their habit to misappropriate panchayat funds—at any rate never to remit them into the treasury during the year in which they were actually collected. That was the reason, he explained, for the very large amounts shown as arrears in the Panchayats. In conclusion, he cautioned the Government against delaying the proposed legislation to do away with the hereditary *hak*, as till then the troubles in the villages would not end.

Mr. N. G. SANJIVIAH thought that those who opposed the resolution had not adduced good reasons for their stand. They mixed up the case of Patels with that of Shanbhogs though Patels stood on a different footing altogether. The Government themselves had declared at the previous session of the Assembly that Patels were only honorary officers while Shanbhogs were Government subordinates. There was also difference in the scales of *potgi* paid to them and in their numerical strength. While

Shanbhogs got 5 per cent of the revenue as *potgi*, Patels were allowed only 3 per cent. The number of Shanbhogs in the State was only 6,000 whereas there were 14,000 Patels; and if the Government wanted to enhance the *potgi* of all these people, it would be beyond practical politics. So the question had necessarily to be confined to Shanbhogs, against whom alone the complaints were both loud and bitter. Important items of work like maintenance of *Pahni* accounts and crop returns were being neglected by them with impunity. He therefore thought that these defects could be rectified only by appointing stipendiary men in place of the existing hereditary Shanbhogs.

Mr. K. RAMANNA began by saying that he felt very strongly about the issue raised in the resolution. The persistent way in which this subject was being brought up for discussion in both the Houses at almost every session showed that a certain set of members were bent upon ruining the existing Shanbhogs. In his opinion, the reason was that a vast majority of the Shanbhogs belonged to a particular community and the movers were communal in their outlook. At the same time, he was convinced that all the members of the Assembly did not share the prejudice entertained by those few. He regretted that members of a constitutional body, presided over by an impartial Dewan, should indulge in making unfair and unjust statements against one class of the State's subjects. Hereditary *hak* was an important right and the speaker felt that Government would not be justified in depriving the people of that *hak* in a light-hearted manner. It could not be gainsaid that several Shanbhogs had been discharging their duties honestly. And even if a few erred, their sons and grandsons should not be made to suffer for the sins of their forefathers. All wrongdoers among village officers were being booked just in the same way as those in other departments and drastic action was being taken against them. In this connection, Mr. Ramanna deplored the general accusations made in the fourth para of the Government Order against

the Shanbhogs as he thought they were undeserved, as would be testified to by the officers who directly supervised their work under the Record of Rights scheme, etc. From what was indicated in the Administration Report for 1934-35, it was clear that the number of Barawardar Shanbhogs had got itself reduced to 50. He therefore prayed for a modification of the Government Order which aimed at abolishing the hereditary *hak* of the Shanbhog office and thereby encourage a set of hard-worked subjects of the State.

The FIRST MEMBER (Rajamantrapravina Diwan Bahadur K. Matthan) speaking on behalf of Government, invited attention to the policy already declared by Government at a recent session of the Legislative Council to the effect that they had no wish to perpetuate the hereditary system of Shanbhogs and were in favour of doing away with it in due course. But he impressed on the House that that policy was meant to apply not only to the case of Shanbhogs but to other village officers like Patels as well, and that consequently, the legislation which Government intended to bring forward would apply equally to all such officers.

As regards the resentment expressed by the previous speaker on the observations contained in para 4 of the Government Order, Mr. MATTHAN explained that the Order did not say that all Shanbhogs were lacking in honesty. The adverse remarks referred to do not apply to each and every Shanbhog but that there were many cases in which they were deserved, as was admitted by several of the members who had just then spoken on the resolution. The speaker further explained that the Government Order merely reiterated the statement made in the Legislative Council. The Government had admitted the equity of paying some compensation in cases of termination of the hereditary *hak*. The Order also stated that in the existing financial situation, it would not be possible to send away all the existing hereditary Shanbhogs, paying them compensation. He made the following statement as expressing the policy of Government:—

"We do not propose compulsory deprivation of the hereditary right at present, because this would mean payment of a large amount by way of compensation, which the Government are not in a position to find at present. So we shall have only voluntary relinquishment at present. But provision will be made in the amending Bill for compulsory acquisition on payment of compensation—to be enforced when funds permit and Government consider it desirable in public interests."

Thus, the speaker added, in spirit the resolution had already been accepted by Government and he hoped that in the light of the Government policy explained by him, the mover would withdraw the resolution.

Mr. H. B. GUNDAPPA thereupon expressed the hope that Government would take expeditious action in the matter and in view of the assurance given by them, he withdrew the resolution.

Expression of Thanks by the Journalists' Association.

On behalf of the Journalists' Association of Mysore, **Mr. G. R. Josyer** conveyed the sincere thanks of the Association to the Dewan-President for the appreciative and complimentary references made in his Opening Address to the publicity work done by journalists in Mysore.

Mr. Belur SRINIVASIENGAR speaking on behalf of the Assembly, supported the observations of the Dewan in regard to the activities of the journalists both in and outside Mysore.

DEWAN'S CONCLUDING REMARKS.

MEMBERS OF THE REPRESENTATIVE ASSEMBLY,

I am glad that the general principles of seven out of the eight Bills placed before you were approved.

In the case of the Partnership Bill and the Bill to amend the Mysore Workmen's Compensation Regulation we have received a number of suggestions of a useful nature which will be fully

considered at the appropriate stage in the Legislative Council.

The Bill further to amend the Mysore District Boards Regulation of 1926 met with a good deal of criticism, due mainly, I believe, to a misunderstanding of its real objects. As you know, legislation is necessary to implement the recommendation of the Motor Transport Committee that it should be made possible for the Railway Cess to be utilised for the improvement of communications, a proposal which has also been urged by several District Boards. The opportunity that was thus offered was utilised for the incorporation in the Bill of such amendments as experience had shown to be both necessary and desirable, and these amendments, as admitted by many of the members familiar with the administration of the District Boards, are calculated to improve and strengthen the administrative machinery and are in the interest of the Boards themselves.

When this Bill was introduced at the last Birthday session, I accepted a suggestion that it should be referred to a committee, and a committee was appointed with wide terms of reference. It included four Presidents of District Boards. I understand that their conclusions were practically unanimous and the draft Bill placed before you at this session was largely based upon their suggestions. In the circumstances, I do not think there was room for so much opposition to the Bill. I am glad, however, that the Bill was finally passed by a majority of the members of the House. Various other suggestions have been made by the committee as well as by the members of the Assembly involving administrative action and the revision of certain rules, and I may assure you that they will receive the careful consideration of Government.

I should like to say a word or two with reference to the discussion that took place in the House regarding the filling of a vacancy in the Executive Council.

I have no hesitation in subscribing to the principle that the Executive Council should not be composed entirely of persons belonging to any one

community. Indeed, I am sure it is not in the interests of the State or even of the community itself that this should be allowed to occur. We should not permit important posts in Government service to be monopolised by any community. It may be the Brahmin community to-day; it may be the Lingayet or the Vokkaligar community to-morrow; and whatever the community be, it would be equally objectionable and adverse to public policy and public interest to permit a preponderant influence to it. It is most essential in the interests of the country at large that there should be a fair and equitable distribution of Government offices among the various communities. This should be the case right through the service—from top to bottom. The more important the post the more important it is that this principle should be applied. That is my own view, a view which I have no doubt will find general acceptance in this House.

Having said this, may I remind you of the fact that we are not violating this principle? The appointment of a Brahmin officer to the Executive Council will not make it an entirely Brahmin Council. Of the three persons constituting it, one is a non-Brahmin and he occupies the most important position in the Council. So far as the other two officers are concerned, I can assure you, though I doubt if you need any assurance from me, that you will have no reason to be dissatisfied with the manner in which they will discharge their duties. They will discharge them in the best interests of the State, of which they have been most loyal and devoted servants, and you may count upon them to do everything they possibly can to advance the interests of all communities without distinction. If Government had not made the appointment they have made, they would have been guilty of gross injustice to the officer concerned. Not merely that, they would have done a great disservice to the State by failing to utilise fully the services of one of the most able and efficient officers that it possesses.

As regards the appointment of a non-official to the Executive Council, I

repeat the assurance which I have already given you that the appointment will be made when financial and other circumstances permit.

Let us, Ladies and Gentlemen, not only make every effort to raise ourselves above all narrow sectarian considerations and to resist all such influences, but also insist on others doing the same. Our fundamental problem is to find continually more points of common interest and to think in larger units than before, to forget dividing lines of class and community in our unity of race and purpose. We want a higher socialisation of our people in communal relationships and national relationships. And here there lies upon the members of this Assembly a very grave responsibility of which they are not always aware. Very often the communal speaker seems to consider that his prime duty as a member is to serve his community and his proper attitude is that of antagonism to others. He thinks that nothing on earth matters—neither merit nor justice—provided the communal interest is secured. This is a thoroughly bad example to constituents, and I long for the day when every member of this Assembly—Brahmin and non-Brahmin—will take a more statesmanlike view.

As this is the last occasion on which Rajamantrapravina Mr. Matthan attends this House in his official capacity, it is my duty and pleasure to pay him a tribute on your behalf as well as my own.

Mr. Matthan retires after a service extending over 38 years. He can retire with the satisfaction of having given high service to the State. His record of public service is indeed remarkable and it is safe to say that throughout his public career he has exhibited qualities of a very high order—sense of duty, zeal, integrity, and uncommon ability. It is with the keenest regret that I am parting with so valuable a colleague. I shall miss him, as I am sure you will all miss him, in our future meetings.

I have no doubt you will all be glad to hear that his connection with the administration will not cease with his

retirement from public service. He will continue in charge of the Iron Works, and he will also be the Chairman of the Sugar Factory, two of the biggest and most important commercial concerns in the State.

In conclusion, Ladies and Gentlemen, I should like to say that I am very glad to feel that the remarks with which I opened this session on the subject of the future constitution of India have had your discriminating approval, as, I believe, they will have the agreement of all who have the good of India really at heart. We have fought a good fight; we have won on some points, we have lost on others; and now we settle down without rancour to make the best of the results till the time comes, as it is bound to come, for another step in advance. What is the alternative? I have tried to deduce it from the comments of some of my critics. One of them, who evidently does not know Mysore, describes its people as "famishing, ill-clad, illiterate and dirty, living in dismal hovels"—people who, by reason of their misery, have little use for electric lights, roads, and hospitals. Another prescribes a big dose of democracy as the panacea for all their ills. A third offers his services as a fomentor of agitation against the Federation. Ladies and Gentlemen, I have another description of the condition of our countryside from a recent distinguished visitor from the North, and I leave it to you, who know them better than any one, to say which description fits the people of Mysore. Our visitor says that he was "greatly impressed with the beauty of the countryside—the fertile fields and the irrigation channels, the neatness and tidiness of the villages and the general cheerfulness of the people. Utility and art have been beautifully combined, and I envy the residents of the State."

As for democracy, I am all for it, but I want democracy of the right kind, and I am certainly against the kind of democracy that breeds corruption and strife, a kind which neither fills bellies nor even fulfils the aspirations of those who hunger for power.

And to my last critic, I would say that we stand here for ordered progress, not for chaos. It is not necessary to remind you that we in Mysore are not, as some of our critics are, obsessed with the idea of a slavish imitation of Western models. As His Highness the Maharaja told you when he opened the reconstituted legislature in 1924, "each State must evolve its own constitution, suited to its own needs and conditions and to the genius of its people," and we in Mysore have been carrying out that work on lines laid down by a body of wise and sincere well-wishers of the State known as the Seal Committee. Let me remind you of another passage in the memorable speech which His Highness made on the same occasion:—

"We have known," His Highness said, "neither stagnation nor precipitate change. We have been advancing steadily, adapting our constitution and administrative machinery to new times, needs and aspirations. All constitutional progress relates to the enlightenment of the people, and the quickening and utilizing of their energies in the business of the State. Progress of this kind has been the constant aim of the Government of Mysore. The ceremony which I am performing to-day is thus a step in a continuous and well-ordered process of development, which has been going on for forty years, and it is my hope that the process will continue with the same adaptability in the future."

That promise stands, and we all know that it will be fulfilled.

I now adjourn the Assembly.

The TRANSLATOR to GOVERNMENT (Mr. C. K. Venkataramaia) then read the Kannada translation of the Dewan's Concluding Remarks.

With three Cheers to His Highness the Maharaja, proposed by Khan Bahadur Mahomed Abbas Khan, the Assembly adjourned at 11-30 a.m., sine die.

C. SUBRAHMANYA AIYAR,
Secretary, Representative Assembly,
Mysore.

BANGALORE,
Dated 20th December 1935.